

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

The STATE OF TEXAS, <i>et. al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	CIVIL ACTION NO. 2:22–cv–00014-M
vs.	§	
	§	
JOSEPH R. BIDEN, JR.,	§	
in his official capacity as	§	
President of the United States, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

**UNOPPOSED MOTION TO PROCEED WITH LOCAL COUNSEL LOCATED  
IN THE DALLAS DIVISION AND BRIEF IN SUPPORT**

Pursuant to Local Rule 83.10, Proposed Intervenor-Defendants Jesus, Rosa, Timoteo, and Uzias (collectively, “Proposed Intervenor”), by and through their undersigned attorneys, respectfully seek leave to proceed with local counsel located in the Dallas Division of the Northern District of Texas, rather than in the Amarillo Division where this case was filed. Proposed Intervenor are represented by Debra J. McComas, Partner at Haynes and Boone, LLP, whose office is located in Dallas, Texas, as well as by attorneys at the International Refugee Assistance Project (“IRAP”), whose office is located in New York. Concurrent with this motion, Proposed Intervenor are filing a Motion to Intervene as defendants in this action to defend against the efforts of the Plaintiff States to dismantle a humanitarian reunification program called the Central American Minors (“CAM”) Program. Defendants consent to this motion, and Plaintiffs take no position.

There are several reasons why Proposed Intervenor submit that leave to proceed with local counsel in Dallas, rather than in Amarillo, is appropriate in this action. *First*, although the Plaintiff States filed the instant action on January 28, 2022, in the Northern District of Texas, Amarillo Division, ECF No. 1, the case is currently assigned to this Court sitting in the Dallas Division.<sup>1</sup> Proposed Intervenor understand that any hearings in this case may occur in Amarillo or Dallas at the Court's discretion. They further understand that none of the attorneys who have appeared for the existing parties are located in Amarillo and that Plaintiffs do not have local counsel in Amarillo. Although Proposed Intervenor understand that Local Rule 83.10(a) would normally require them to retain local counsel within fifty miles of the Amarillo Division where Plaintiffs chose to file this action, Proposed Intervenor seek leave to proceed instead with local counsel in Dallas given the unique situation presented by this case.

*Second*, Proposed Intervenor are represented by Debra J. McComas, a Partner at Haynes and Boone, LLP who has agreed to appear and serve as local counsel in this matter on a pro bono basis. *See* McComas Decl. ¶¶ 1, 3. Ms. McComas has her principal office in Dallas, is admitted to the Bar of the Northern District of Texas and has extensive experience litigating in this District. *Id.* ¶¶ 4-5; *see id.*, Ex. A. Ms. McComas is authorized and willing to perform the duties of local counsel in this action under Local Rule 83.10(b), including presenting and arguing at any hearing called by this Court (whether in Dallas or Amarillo) and any other duty required by this Court or

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<sup>1</sup> Plaintiffs subsequently filed a new civil cover sheet, ECF No. 3, asserting that this action is related to *Texas v. Biden.*, No. 2:21-cv-00067 (N.D. Tex. 2021), which is currently before Judge Matthew J. Kacsmaryk in the Northern District of Texas, Amarillo Division. Defendants opposed Plaintiffs' assertion of related cases, ECF No. 9, and Plaintiffs' request to transfer the action to the Amarillo Division, ECF No. 11, remains pending.

the Local Rules of this Court.<sup>2</sup> *See id.* ¶ 7. Ms. McComas's current biography is attached as an exhibit to her declaration in support of this motion. *See id.*, Ex. A.

Proposed Intervenors thus respectfully request that they be granted leave to proceed with local counsel located in the Dallas Division pursuant to Local Rule 83.10.

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<sup>2</sup> To the extent any hearings are conducted in Amarillo, however, Ms. McComas respectfully requests that the Court consider allowing her to appear electronically when the circumstances so warrant it.

Dated: March 22, 2022

Respectfully submitted,

/s/ Debra J. McComas

Debra J. McComas  
HAYNES & BOONE LLP  
State Bar No. 00794261  
2323 Victory Ave., Suite 700  
Dallas, Texas 75219  
Tel. (214) 651-5000  
Fax (214) 651-5940  
*debbie.mccomas@haynesboone.com*

/s/ Linda B. Evarts

Linda B. Evarts (NYS Bar #5236948)\*  
Kathryn C. Meyer (NYS Bar #5504485)\*  
Mariko Hirose (NYS Bar #4802674)\*  
INTERNATIONAL REFUGEE  
ASSISTANCE PROJECT  
One Battery Park Plaza, 4th Floor  
New York, NY 10004  
Tel. (516) 838-1655  
Fax: (929) 999-8115  
*levarts@refugeerights.org*  
*kmeyer@refugeerights.org*  
*mhirose@refugeerights.org*

*\*pro hac pending*

***Counsel for Proposed Defendant-Intervenors***

**CERTIFICATE OF CONFERENCE**

On March 16, 2022, Proposed Intervenors' counsel conferred with counsel for Plaintiffs concerning this motion. The identities of the attorneys conferring were as follows: Ryan Walters, Michelle Ghetty, and Joseph Scott St. John for the Plaintiffs, and Linda B. Evarts, Kathryn C. Meyer, Mariko Hirose, and Debra J. McComas for the Proposed Intervenors. Plaintiffs' counsel took no position on the motion.

On March 16, 2022, Proposed Intervenor's counsel conferred with counsel for Defendants concerning this motion. The identities of the attorneys conferring were as follows: Erez Reuveni and Joseph Darrow for the Defendants, and Linda B. Evarts, Kathryn C. Meyer, Mariko Hirose, and Debra J. McComas for the Proposed Intervenors. Defendants' counsel consented to the motion.

/s/ Linda B. Evarts

Linda B. Evarts

**CERTIFICATE OF SERVICE**

The undersigned certifies that on March 22, 2022, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the CM/ECF system. I hereby certify that I have served the document on all counsel by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) via the Court's CM/ECF filing system.

/s/ Debra J. McComas  
Debra J. McComas